

# **Exhibit B**



## Fire and Police Commission

Leon W. Todd  
Executive Director

Naomi Gehling  
Deputy Director

Edward Fallone  
Chair

Amanda Avalos  
Vice-Chair

Fred Crouther  
LaNelle Ramey  
Dana World-Patterson  
Bree Spencer  
Gerard Washington  
Ruben Burgos  
Miriam Horwitz  
Commissioners

March 3, 2023

Princess Barksdale-Henderson  
239 S. 75th Street  
Milwaukee, WI 53214

RE: FPC Citizen Complaint 2023-0017

Ms. Barksdale-Henderson:

The citizen complaint you filed with the Fire and Police Commission (FPC) on February 2, 2023, against the Milwaukee Police Department (MPD) has been received and investigated. The complaint stemmed from an incident that occurred on December 4, 2022, when you were involved in an altercation with your landlord, Mary Adamek. Mrs. Adamek told Officer Nicholas Ulatowski that you pushed her a number of times and she fell backwards on a chair and some boxes, causing her pain.

You told Officer Christopher Hernandez that you did push Mrs. Adamek twice, but only after she spit in your face and chest bumped you. Thereafter, Officer Ulatowski placed you under arrest for battery. In your complaint, you alleged that the arrest was unfair because Officer Ulatowski did not confer with his partner or speak to you or your witnesses prior to making the arrest. You believe Officer Ulatowski exhibited bias against you and favoritism toward Mrs. Adamek because she is an elderly white female. Further, you do not believe MPD conducted a thorough and fair investigation. The complaint was assigned to FPC Investigator Mark Banks. Below is a summary of Inv. Banks' investigation and the resulting findings.

Inv. Banks requested and received from MPD Computer Aided Dispatch (CAD) Report #223380907, Investigative Report #223380093, and Investigative Report 223380093.1.

Inv. Banks reviewed the body worn camera (BWC) footage associated with CAD #223380907. Inv. Banks noted that the information contained in the reports was consistent with what was captured on the BWC footage. Inv. Banks noted that there were some consistencies and discrepancies from the involved parties in their statements to the officers.

### Consistencies

1. All parties agreed that there was tension between you and Mr. and Mrs. Adamek, which

200 East Wells Street, Room 705, Milwaukee, Wisconsin 53202  
Phone (414) 286-5000 • Fax (414) 286-5050  
E-mail [fpc@milwaukee.gov](mailto:fpc@milwaukee.gov) • [www.milwaukee.gov/fpc](http://www.milwaukee.gov/fpc)



stemmed from the day you moved in and your moving company damaged parts of the wall while moving furniture.

2. Both parties agreed that there was further tension due to some plumbing work that needed to be done on the toilet, which had not yet occurred.
3. All parties agreed that the problem occurred in the attic and involved the placement of your property.
4. All parties agreed that Mrs. Adamek came into the attic to see what was occurring and to make sure none of her property was stolen.
5. All parties agreed that you heard the argument in the attic from the 2<sup>nd</sup> floor and came to the attic to see what was the problem.
6. All parties agree that you pushed Mrs. Adamek.

#### Discrepancies

1. Mrs. Adamek stated she respectfully asked your friend, Stephanie Kinlow, to move a box so her husband could get to his tools/parts for his motorcycle. Ms. Kinlow stated that Mrs. Adamek made this request in a manner where she was talking to her as though she was a child; therefore, Ms. Kinlow insisted that she show her respect.
2. You stated you came to the attic because you heard Mrs. Adamek yelling and wanted to know what happened and calm her down. Mrs. Adamek stated you came into the attic yelling at her.
3. Mrs. Adamek stated you pushed her three times. The first time she fell on a chair, the second time was when she was attempting to stand up, and the third time resulted in her falling on some boxes. You acknowledge you did push Mrs. Adamek twice, but only after she spit in your face, got into your personal space, and chest bumped you. Mrs. Adamek stated that she might have inadvertently spit on you as she was yelling at you but she insisted it was accidental.
4. Mrs. Adamek stated you accused her of calling you a "cunt." Mrs. Adamek stated you called her a cunt and her response was "so are you."

Inv. Banks noted that once Officer Ulatowski had finished taking an initial statement from Mrs. Adamek, he went upstairs to join his partner, Officer Hernandez, but Officer Hernandez was not there. Officer Ulatowski then placed a call to Officer Hernandez and learned that he was in the attic with you and other witnesses. Officer Ulatowski asked that you come downstairs.

Once down stairs, Officer Ulatowski asked if he could speak with you on the front porch. Inv. Banks noted that Officer Ulatowski did not confer with Officer Hernandez regarding what you and your witness had told him. Nor did he ask you or your witnesses for your/their account of what had occurred. Once on the porch, Officer Ulatowski asked you if you knew how old Mrs. Adamek was and you stated you did not, but assumed she was in her 70s. Officer Ulatowski



## Fire and Police Commission

Leon W. Todd  
Executive Director

Naomi Gehling  
Deputy Director

Edward Fallone  
Chair

Amanda Avalos  
Vice-Chair

Fred Crouther  
LaNelle Ramey  
Dana World-Patterson  
Bree Spencer  
Gerard Washington  
Ruben Burgos  
Miriam Horwitz  
Commissioners

then asked you how old you are and you told him you are 47 years old. Officer Ulatowski then stated that he was placing you under arrest for felony battery-elder abuse. You were handcuffed and placed in the squad. You protested the arrest stating that Ms. Adamek started the altercation by spitting on you and chest bumping you. You also asked to speak with a supervisor. Eventually, you were conveyed to District 3 where you were booked and processed.

Inv. Banks noted that while you were in the squad you continued to protest the arrest. Officer Hernandez eventually told you that he would write a citation to Mrs. Adamek for spitting on you. Inv. Banks made a second request to MPD to determine if any city citation had been issued to Mrs. Adamek, and he was advised no citation was issued.

Based on my review of the investigative materials in this case, I have determined that Officer Ulatowski did not violate any MPD Standard Operating Procedures or Code of Conduct. His decision to arrest you was based on statements from Mrs. Adamek and thus supported by probable cause. That being said, your concern that Officer Ulatowski should have spoken with you first or conferred with his partner prior to deciding to arrest you is a valid one. Doing so would have better informed Officer Ulatowski, thus ensuring that his decision was based on all the relevant information. It also would have been better practice from a procedural justice standpoint. Community members are more likely to perceive the actions of law enforcement as legitimate if they believe a case was fairly and completely investigated and they were given a fair opportunity to be heard.

I have therefore ordered that Officer Ulatowski's supervisor counsel him regarding his failure to confer with his partner or obtain your account of what transpired before making an arrest decision. This will include emphasizing to Officer Ulatowski the importance of obtaining both sides of a dispute prior to taking formal action whenever feasible, both for investigative and fairness reasons.

In addition, Inv. Banks observed that Officer Hernandez assured you that he would issue a citation to Mrs. Adamek for spitting on you; however, he never did so. I therefore ordered that Officer Hernandez's supervisor counsel him as well for his failure to issue a citation.

Based on the foregoing, this matter is now closed.

We thank you for your patience during this process. The FPC appreciates citizens who provide information that helps us assess and monitor the professional standards of the Milwaukee Fire and Police Departments. Should you have any questions, please contact Investigator Mark Banks at 414-286-6249.

Respectfully,

A handwritten signature in black ink, appearing to be 'LW Todd', written in a cursive style.

Leon W. Todd  
Executive Director

LWT/meb